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*RSP DUE 7/10/04*

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/776,453	02/12/2004	Lynn Noble	034017R015

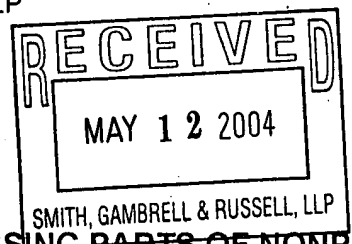
CONFIRMATION NO. 3598

FORMALITIES LETTER



\*OC000000012582902\*

00441  
SMITH, GAMBRELL & RUSSELL, LLP  
1850 M STREET, N.W., SUITE 800  
WASHINGTON, DC 20036



Date Mailed: 05/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/10/2004 EABUBAK1 00000135 10776453

FILED UNDER 37 CFR 1.53(b)

DOCKET \_\_\_\_\_  
DOCKETED: *CB*  
DATE *5/12/04*  
GIVEN TO *DCR*

01 FC:2001	385.00 OP
02 FC:2201	43.00 OP
03 FC:2202	90.00 OP
04 FC:2051	65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figure(s) 38B, 39, 48, 103, 109A, 110A.
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 34A, 48, 66A, 100.
  - The drawings submitted to the Office are not electronically reproducible. Drawing

sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1-5,15,15A,15B,49-54,93-97,117,197.

The following item(s) appear to have been omitted from the application:

- Figure(s) 173 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$266 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1166** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

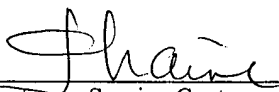
• Total additional claim fee(s) for this application is **\$266**

- **\$86** for 1 independent claims over 3.
- **\$180** for 10 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



034017R015

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lynn Noble

Serial No.: 10/776,453

Group Art Unit: Unassigned

Filed: February 12, 2004

Examiner: Unassigned

For : DISPENSING SYSTEM WITH END SEALER ASSEMBLY  
AND METHOD OF MANUFACTURING AND USING SAME

**LETTER ACCOMPANYING MISSING PARTS FILING**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Relative to the omitted Figure 173 discussion in the Notice of Missing Parts, Applicant elects Option III such that the filing date should be maintained as February 12, 2004. In accordance with Option III, the description of Figure 173 has been deleted. However, as the same Figure 173 drawing is contained in one or more applications incorporated by reference in this application, at a future date, this figure will likely be reintroduced during prosecution with the Examiner.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:

  
Dennis C. Rodgers, Reg. No. 32,936  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

Date: August 9, 2004





034017R015

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lynn Noble

Serial No.: 10/776,453

Group Art Unit: Unassigned

Filed: February 12, 2004

Examiner: Unassigned

For : DISPENSING SYSTEM WITH END SEALER ASSEMBLY  
AND METHOD OF MANUFACTURING AND USING SAME

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION, FILED UNDER 37 C.F.R. 1.53(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In response to the Notice to File Missing Parts of Application mailed May 10, 2004, Applicant submits herewith the following documents relating to the above-captioned patent application:

- \* A copy of the Notice to File Missing Parts of Application;
- \* Executed Declaration;
- \* Executed Power of Attorney;
- \* Executed Statement Under 37 CFR 3.73(b);
- \* Assignment Recordation Cover Sheet with Executed Assignment;
- \* Formal Drawing Transmittal with corrected drawings;
- \* Preliminary Amendment;
- \* Petition for Extension of Time;
- \* Information Disclosure Statement and PTO Form 1449;
- \* Letter Accompanying Missing Parts Filing Concerning Lacking Figure;
- \* Check for \$678.00 to cover the filing fee (\$385), surcharge (\$65), additional claims (\$133), extension of time (\$55) and assignment recordation fee (\$40).

If any additional fees are due in connection with this filing, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge the fees to SGR Deposit Account No. 02-4300. Similarly, please credit any overpayment to SGR Deposit Account No. 02-4300.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:

  
Dennis C. Rodgers, Reg. No. 32,936  
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Date: August 9, 2004